



INTERIOR BOARD OF INDIAN APPEALS

Yavapai-Apache Nation v. Deputy Director, Office of Law Enforcement Services,
Bureau of Indian Affairs

41 IBIA 141 (07/28/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

YAVAPAI-APACHE NATION,	:	Order Dismissing Appeal
Appellant,	:	
	:	
v.	:	
	:	Docket No. IBIA 03-95-A
DEPUTY DIRECTOR, OFFICE OF LAW	:	
ENFORCEMENT SERVICES, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee.	:	July 28, 2005

The Yavapai-Apache Nation (Nation) appealed from a May 2, 2003, decision of the Deputy Director, Office of Law Enforcement Services (OLES), Bureau of Indian Affairs, declining to enter into a contract with the Nation under the Indian Self-Determination Act for the criminal investigations program. The Deputy Director relied on a temporary OLES policy concerning deputation agreements with tribes, and also relied on pending litigation involving the Cabazon Band of Mission Indians in California.

On July 6, 2005, the Board requested additional briefing from the parties, in light of the U.S. Court of Appeals decision in Cabazon Band of Mission Indians v. Smith, 388 F.3d 691 (9th Cir. 2004), and OLES's apparent development of a new model deputation agreement.

On July 27, 2005, the Board received a stipulation and joint motion from the Deputy Director and the Nation to vacate the order for further briefing and dismiss this appeal as moot. The stipulation confirms that OLES has finalized a new template Deputation Agreement, and also states that OLES and the Nation have entered into an agreement under which the Nation now has the law enforcement program it sought in 2003.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal as moot. 1/

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
David B. Johnson
Acting Administrative Judge

1/ This dismissal moots the Board's July 6, 2005, order.